

PATENT COOPERATION TREATY

From the:
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Griffith Hack
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GRIFFITH HACK

25 FEB 2005

1. *REC*

2. *JSB*

3.

Date of mailing
(day/month/year) **24 FEB 2005**

FOR FURTHER ACTION
See paragraph 2 below

Applicant's or agent's file reference
FP21080

International application No. PCT/AU2005/000099	International filing date (day/month/year) 28 January 2005	Priority date (day/month/year) 28 January 2004
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International Patent Classification (IPC) or both national classification and IPC
Int. Cl. ⁷ C22B 3/40, 23/00

Applicant
COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANISATION et al

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2005/000099

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material.
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/AU2005/000099

Box No. V **Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims 1- 28	YES
	Claims	NO
Inventive step (IS)	Claims	YES
	Claims 1- 28	NO
Industrial applicability (IA)	Claims 1- 28	YES
	Claims	NO

2. Citations and explanations:

D1- Derwent Abstract Accession No. 84-109393/18, Class E31, J01, M25, ES 8401143 A,

(Schortmann P C), 16 February 1984

D2- US 3903235 (Cardwell et al.), 2 September 1975

D3- GB 2109357 A (Council for Mineral Technology (South Africa)), 2 June 1983

D4- WO 1998/014623 (International Curator Resources Limited), 9 April 1998

D5- CA 1223242 A (Granted to Majesty (Her) in right of Canada as represented by the Minister of Energy, Mines and Resources, Canada), 23 June 1987

D6- WO 2002/022896 A1 (Commonwealth Scientific and Industrial Research Organisation), 21 March 2002

Novelty (N) Claims 1- 28

The claims are directed at a method of solvent extracting nickel and cobalt from a leach solution, wherein the solvent contains a carboxylic acid, a hydroxyoxime and a kinetic accelerator. Document D1 is considered the closest related art and discloses all of these features excepting the kinetic accelerator. Consequently claims 1- 28 are novel.

Inventive Step (IS) claim 1- 28

As previously stated D1 discloses all of the features of the claims excepting the kinetic accelerator. However using a kinetic accelerator or catalyst in a reaction is well known in any of the chemical arts. Evidence for this may be found at "Physical Chemistry" 3rd Ed., pp218- 219, P. W. Atkins Oxford University Press 1986. ISBN 0-19-855196-7 (enc.). Other than their well understood property of increasing the rate of reaction, catalysts have no other beneficial properties. Therefore claims 1- 28 merely define adding a well known reagent to achieve the expected result, over what has been achieved in the disclosure of document D1. Consequently claims 1- 28 do not involve an inventive step.